

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

AMERISURE MUTUAL INSURANCE )  
COMPANY, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 4:04CV430-DJS  
 )  
 PARIC CORPORATION, )  
 ESA MANAGEMENT, INC., and )  
 ESA MISSOURI, INC., )  
 )  
 Defendants. )

PARTIAL JUDGMENT

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that, with respect to plaintiff's duty to defend defendant Paric, summary judgment is entered against plaintiff and for defendants on plaintiff's claim and Count I (Declaratory Judgment) of defendant Paric's counterclaim.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that plaintiff has a duty to defend defendant Paric in the St. Louis County case bearing case number 03CC-3082, the St. Charles County case bearing case number 04CV124346, and the Greene County case bearing case number 103CC3419.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, with respect to plaintiff's duty to indemnify defendant Paric in the aforementioned three underlying actions, plaintiff's claim and

Count I (Declaratory Judgment) of defendant Paric's counterclaim are dismissed without prejudice as not yet ripe.

Dated this 21<sup>st</sup> day of October, 2005.

/s/Donald J. Stohr  
UNITED STATES DISTRICT JUDGE